

TITLE 9. HEALTH SERVICES
CHAPTER 19. DEPARTMENT OF HEALTH SERVICES –
VITAL RECORDS AND STATISTICS

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CHANGES FROM THE LAST RULES COMMITTEE MEETING ARE IN BOLD.

ARTICLE 1. ADMINISTRATIVE ORGANIZATION, DUTIES AND PROCEDURES

R9-19-101. Definitions

- # "Affidavit" means a document vouching for the validity of the facts on the document made under oath or affirmation signed by an individual that includes an acknowledgement as defined in A.R.S. § 41-311. ("Acknowledgement" means a notarial act in which a notary certifies that a signer, whose identity is proven by satisfactory evidence, appeared before the notary and acknowledged that the signer signed the document.)
- # "Child" means an individual younger than 18 years of age.
- # "Child identification number" means an alphanumeric identifier assigned to a foundling by the Arizona Department of Economic Security.
- # *"Foundling" means:*
 - a. *A newborn infant left with a safe haven provider pursuant to A.R.S. § 13-3623.01; or*
 - b. *A child whose father and mother cannot be determined. (A.R.S. § 36-301)*
- # "Independent source" means a person who is not the individual or related by consanguinity, adoption, or marriage to the individual submitting the evidentiary document.
- # "Investigative agency" means a person who conducts a social study.
- # ***"Jurat" means a notarial act in which the notary certifies that a signer, whose identity is proven by satisfactory evidence, has made in the notary's presence a voluntary signature and has taken an oath or affirmation vouching for the truthfulness of the signed document. (A.R.S. § 41-311)***
- # "Official state number" means the numeric identifier assigned to a vital record by the State Registrar.
- # "Passport" means an official document issued by a government of a specific country that confirms the identity and citizenship of an individual and allows the individual to travel to and from the specific country.
- # "Person" has the same meaning as in A.R.S. § 1-215 and includes a governmental agency.
- # "Personal knowledge" means having observed an individual's mother:
 - a. In an apparent pregnant state within two months before the individual's date of birth and in a non-pregnant state after the individual's date of birth, or
 - b. Giving birth to the individual.
- # "Social study" means an investigation of a prospective adoptive parent that complies with the requirements in A.R.S. § 8-112.
- # "Transfer" has the same meaning as in A.A.C. R9-10-401.

"WIC" means a federally funded program established by the Child Nutrition Act of 1966 that provides eligible women, infants, and children with food, nutrition education, and referrals.

Currently defined in rule:

2. "Delivery" means the complete expulsion or extraction of a product of human conception from its mother.
13. "National Provider ~~Number~~ Identifier" means a standard unique identifier for a health care provider assigned by the Centers for Medicare and Medicaid Services.
22. "Tribal community" means a tract of land held by an Indian tribe recognized and eligible for funding and services from the U.S. Bureau of Indian Affairs.

Currently defined in A.R.S. § 36-301:

2. "Amend" means to make a change, other than a correction, to a registered certificate by adding, deleting or substituting information on that certificate.
6. "Correction" means a change made to a registered certificate because of a typographical error including misspelling and missing or transposed letters or numbers.
8. "Custody" means legal authority to act on behalf of a child.
11. "Evidentiary document" means written information used to prove the fact for which it is presented.
20. "Legal age" means a person who is at least eighteen years of age or who is emancipated by a court order.
22. "Midwife" means a person who is either:
 - a. Licensed pursuant to chapter 6, article 7 of this title.
 - a. Certified as a nurse midwife pursuant to title 32, chapter 15.
27. "Register" means to assign an official state number and to incorporate into the state registrar's official record.

ARTICLE 2. VITAL RECORDS FOR BIRTHS

R9-19-201. Information for a Birth Certificate

- A. To register an individual's birth, the responsible person designated in A.R.S. § 36-333 shall submit the following information to the State Registrar or a local registrar within seven days from the date of the individual's birth:
1. The individual's:
 - a. First, middle, and last name and suffix; and
 - b. Sex;
 2. Date and time of birth;
 3. If the birth occurred:
 - a. At home:
 - i. Whether the birth was planned to occur at home; and
 - ii. The street address, city or town, and county where the home is located;
 - b. Not at home:
 - i. Name, type, and, if applicable, National Provider Identifier of the facility where the birth occurred; and
 - ii. The city or town and county where the facility is located;
 4. The name and title of the person who assisted the birth and:
 - a. If the person has a National Provider Identifier, the person's National Provider Identifier; or
 - b. If the person does not have a National Provider Identifier, the person's health professional license number;
 5. Whether the mother was transferred from another facility for maternal medical or fetal indications before the birth;
 6. If the mother was transferred from another facility before the birth, the name of the facility the mother was transferred from;
 7. The following information about the individual's mother:
 - a. First, middle, and last name;
 - b. Last name before first marriage;
 - c. Date of birth;
 - d. State, territory, or foreign country where the mother was born;
 - e. Street address, apartment number if applicable, city or town, state, and county of mother's residence;
 - f. Whether the mother's residence is:
 - i. Inside city limits, or

- ii. In a tribal community;
- g. If the mother's residence is in a tribal community, the name of the tribal community;
- h. If different than the address in subsection (7)(e), the mother's mailing address;
- i. Whether the mother was married at any time in the ten months immediately preceding the individual's birth;
- j. Social Security Number;
- k. Highest degree or level of education completed by the mother at the time of the individual's birth;
- l. Race;
- m. Whether the mother is of Hispanic origin and if so, the type of Hispanic origin;
- n. Date of first prenatal care visit;
- o. Date of last prenatal care visit;
- p. Total number of prenatal care visits for this pregnancy;
- q. Height;
- r. Date the mother's last normal menses began;
- s. Pre-pregnancy weight;
- t. Weight at the time of delivery;
- u. Whether the mother received food from WIC for herself during this pregnancy;
- v. If applicable, the number of previous live births not including this birth and:
 - i. The date of the last live birth,
 - ii. Number of children now living, and
 - iii. Number of deceased children;
- w. Number of other pregnancies;
- x. The date the last other pregnancy ended;
- y. If the mother smoked before or during the pregnancy, the number of cigarettes she smoked per day during:
 - i. The three months before the pregnancy,
 - ii. The first trimester of the pregnancy,
 - iii. The second trimester of the pregnancy, and
 - iv. The last trimester of the pregnancy;
- z. The mother's medical record number;
- aa. Risk factors in the mother's pregnancy;
- bb. Whether the mother had been diagnosed or treated for any of the following infections during the mother's pregnancy:

- i. Gonorrhea,
 - ii. Syphilis,
 - iii. Chlamydia,
 - iv. Hepatitis B,
 - v. Hepatitis C, or
 - vi. Any other infection;
- cc. Whether labor was induced;
- dd. Whether labor was augmented;
- ee. Whether there was a non-vertex presentation;
- ff. Whether steroids were administered for fetal lung maturation before delivery;
- gg. Whether antibiotics were administered to the mother during labor;
- hh. Whether clinical chorioamnionitis was diagnosed during labor;
- ii. Whether the mother's temperature was $\geq 38^{\circ}\text{C}$ during labor;
- jj. Whether there was moderate or heavy staining of the amniotic fluid;
- kk. Whether an epidural or spinal anesthesia was administered to the mother during labor;
- ll. Whether one or more of the following actions were taken due to fetal intolerance of labor:
 - i. In-utero resuscitative measures,
 - ii. Fetal assessment, or
 - iii. Operative delivery;
- mm. Whether delivery with forceps was attempted but unsuccessful;
- nn. Whether delivery with vacuum extraction was attempted but unsuccessful;
- oo. The fetal presentation at delivery;
- pp. Final route and method of delivery;
- qq. If a cesarean delivery, whether labor was attempted;
- rr. Whether the mother had a cesarean delivery for a previous pregnancy;
- ss. If the mother has had a previous cesarean delivery, the number of previous cesarean deliveries the mother has had; and
- tt. Whether any of following occurred during labor or delivery:
 - i. Maternal transfusion,
 - ii. Third or fourth degree perineal laceration,
 - iii. Ruptured uterus,
 - iv. Unplanned hysterectomy,
 - v. Admission of the mother to an intensive care unit, or

- vi. Unplanned operating room procedure performed on the mother following delivery;
- 8. The principal source of payment for the individual's birth;
- 9. Whether a Social Security Number has been requested for the individual;
- 10. If the mother was not married at the time of the birth or at any time during the ten months preceding the birth, whether a voluntary acknowledgement of paternity was completed by the father;
- 11. The following information about the individual's father:
 - a. First, middle, and last name and suffix;
 - b. Date of birth;
 - c. State, territory, or foreign country where the father was born;
 - d. Social Security Number;
 - e. Highest degree or level of education completed by the father at the time of the individual's birth;
 - f. Race; and
 - g. Whether the father is of Hispanic origin and if so, the type of Hispanic origin;
- 12. The following information about the individual:
 - a. The individual's medical record number;
 - b. Birth weight and length;
 - c. Obstetric estimate of gestation;
 - d. Apgar score 5 minutes after birth;
 - e. If the Apgar score at 5 minutes after birth was less than 6, the Apgar score at 10 minutes after birth;
 - f. Plurality of delivery;
 - g. If the plurality of delivery involves more than one, the individual's order of birth;
 - h. Whether the individual required ventilatory assistance:
 - i. Immediately following delivery, and
 - ii. For more than 6 hours after delivery;
 - i. Whether the individual was admitted to a neonatal intensive care unit;
 - j. Whether surfactant replacement therapy was given to the individual after delivery;
 - k. Whether antibiotics were administered to the individual for suspected neonatal sepsis;
 - l. Whether the individual had a seizure or serious neurologic dysfunction after delivery;

- m. Whether the individual experienced significant birth injury such as skeletal fracture, peripheral nerve injury, or soft tissue or solid organ hemorrhage requiring intervention;
 - n. Whether the individual has any congenital anomalies and if so, what type of congenital anomalies;
 - o. Whether the individual was transferred within 24 hours of the individual's delivery;
 - p. If the individual was transferred within 24 hours of the individual's delivery, the name of the facility the individual was transferred to;
 - q. Whether the individual was alive at the time the information in subsection (A) was submitted; and
 - r. Whether the individual was being breastfed at the time the information in subsection (A) was submitted.
- B. If the information in subsection (A) is not entered into the state electronic birth registration system, the person submitting the information for a birth certificate shall submit a written statement to the State Registrar or a local registrar, dated and signed by the person, attesting to the **validity** of the submitted information.
- C. A midwife may submit the information required in subsection (A) to a local registrar or the State Registrar by facsimile. If the midwife submits the information by facsimile, the midwife shall submit a paper copy of the information with the written statement required in subsection (B) to the local registrar or State Registrar who received the original facsimile within 30 days. The Department shall register the birth after the Department receives the paper copy of the information in subsection (A) and the written statement required in subsection (B).
- D. If the name of the mother in subsection (A)(7)(a) or the name of the father in subsection (A)(11)(a) is based on an administrative order or a court order establishing maternity or paternity, the person submitting the information for a birth certificate shall submit a **certified** copy of the administrative order or court order establishing maternity or paternity.
- E. If the individual was not born in a hospital and the individual's birth was not attended by a physician, registered nurse practitioner, or midwife, the individual's parent, guardian, or person who **was present during or immediately after the individual's birth and has knowledge of the birth information shall** submit, in addition to the information required in subsection (A) the following to the State Registrar or a local registrar:
 - 1. One evidentiary document establishing the individual's mother's presence in Arizona at the time of the individual's birth that:
 - a. Is from an independent source;

- b. Is documentation of a transaction, occurrence, billing, or legal relationship;
 - c. Contains the individual's mother's first and last name, the individual's mother's street address or the location where the mother was present in Arizona, and the date the evidentiary document was created; and
 - d. Was created no more than 30 days before the date of the individual's birth or 7 days after the date of the individual's birth;
- 2. If a father's name is included in the information, and the parents are not married, a voluntary acknowledgement of paternity or a **certified copy of a** court order establishing paternity; and
 - 3. An affidavit signed by a parent, family member, or other person attesting to personal knowledge of the facts submitted as required in subsection (A).

R9-19-202. Late Birth Registration

To register an individual's birth more than seven days but less than one year after the individual's birth:

- 1. If the individual was born in a hospital, the administrator or person in charge of the medical records in the hospital where the individual was born shall submit to the State Registrar or a local registrar:
 - a. The information required in R9-19-201(A); and
 - b. If the information is not submitted electronically, a statement attesting to the **validity** of the submitted information signed by the administrator or person in charge of the medical records;
- 2. If the individual was not born in a hospital and the individual's birth was attended by a physician, registered nurse practitioner, or midwife, and the physician, registered nurse practitioner, or midwife is willing and able to, the physician, registered nurse practitioner, or midwife shall submit:
 - a. The information required in R9-19-201(A);
 - b. A copy of medical records related to the individual's birth; and
 - c. A statement attesting to the **validity** of the submitted information signed by the physician, registered nurse practitioner, or midwife; or
- 3. If the individual was not born in a hospital and the individual's birth was not attended by a physician, registered nurse practitioner, or midwife or the physician, registered nurse practitioner, or midwife who attended the birth is not willing or able to submit the required information, the individual's parent, guardian, a person who has custody of the individual **pursuant to A.R.S. § 25-415, or the Arizona Department of Economic Security if the Arizona Department of Economic Security has custody of the individual**, shall submit the following to the State Registrar or a local registrar:

- a. The information required in R9-19-201(A);
- b. One evidentiary document establishing the individual's mother's presence in Arizona at the time of individual's birth that:
 - i. Is from an independent source;
 - ii. Is documentation of a transaction, occurrence, billing, or legal relationship;
 - iii. Contains the individual's mother's first and last name and the individual's mother's street address or location where the mother was present, and the date the evidentiary document was created; and
 - iv. Was created no more than 30 days before the date of the individual's birth or 30 days after the date of the individual's birth;
- c. If a father's name is included in the information, and the parents are not married, a voluntary acknowledgement of paternity or a **certified copy of a court order** establishing paternity;
- d. An affidavit signed by a parent, family member, or other person attesting to personal knowledge of the facts submitted as required in subsection (3)(a); and
- e. **If the information is submitted by:**
 - i. **The individual's guardian, a certified copy of a court order establishing guardianship; or**
 - ii. **A person who has custody of the individual pursuant to A.R.S. § 25-415 or the Arizona Department of Economic Security, a certified copy of a court order establishing custody.**

R9-19-203. Delayed Birth Registration

- A. The State Registrar shall not register a delayed birth for a deceased individual.
- B. To register the birth of an individual born in a hospital **in Arizona** more than one year after the date of the individual's birth, if the hospital has retained the medical records related to the individual's birth according to A.R.S. § 12-2297, the hospital administrator or the person in charge of the hospital's medical records shall submit the following to the State Registrar:
 - 1. The information required in R9-19-201(A),
 - 2. A copy of medical records related to the individual's birth, and
 - 3. A statement attesting to the **validity** of the submitted information signed by the hospital administrator or person in charge of the hospital's medical records.
- C. Except as provided in subsection (B), an application to register an individual's birth more than one year after the individual's birth may be submitted by:
 - 1. The individual, if the individual is of legal age or married;

2. The individual's parent;
 3. The individual's guardian;
 4. A person who has custody of the individual pursuant to A.R.S. § 25-415; or
 5. The Arizona Department of Economic Security, if the Arizona Department of Economic Security has custody of the individual.
- D. Before a person in subsection (C) may apply to register an individual's birth **that occurred in Arizona** more than one year after the individual's birth, the person shall apply for a certified copy of the individual's registered birth certificate according to the requirements in 9 A.A.C. 19, Article 4, and receive a "Certificate of No Record".
- E. To apply to register an individual's birth **that occurred in Arizona** more than one year after the individual's birth, a person in subsection (C) shall submit to the State Registrar:
1. A "Certificate of No Record" for the individual issued by the State Registrar dated not more five years before the date the application in subsection (E)(2) is submitted;
 2. A Department-provided application that includes:
 - a. **Whether the individual has a registered birth certificate from another state or country;**
 - b. **If the individual has a registered birth certificate from another state or country, the state or country that issued the individual's registered birth certificate;**
 - c. The following information about the individual:
 - i. First, middle, and last name and suffix;
 - ii. Sex;
 - iii. Date of birth;
 - iv. Race; and
 - v. Town, city, or county where the individual's birth occurred;
 - d. The following information about the individual's mother:
 - i. First, middle, and last name;
 - ii. Last name before first marriage;
 - iii. Date of birth;
 - iv. Social Security Number;
 - v. Race;
 - vi. Whether the mother is of Hispanic origin and if so, the type of Hispanic origin;
 - vii. City or town, state, and county of mother's usual residence at the time of the individual's birth;

- viii. Whether the mother's usual residence at the time of the individual's birth was in a tribal community;
 - ix. If the mother's usual residence at the time of the individual's birth was in a tribal community, the name of the tribal community; and
 - x. State, territory, or foreign country where the mother was born;
 - e. The following information about the individual's father:
 - i. First, middle, and last name and suffix;
 - ii. Date of birth;
 - iii. Social Security Number;
 - iv. Race;
 - v. Whether the father is of Hispanic origin and if so, the type of Hispanic origin; and
 - vi. State, territory, or foreign country where the father was born;
 - f. If the individual is not of legal age or married, an affidavit attesting to the **validity** of the facts submitted as required in subsections (E)(2)(a), (E)(2)(b), and (E)(2)(c), signed by:
 - i. The individual's parent; or
 - ii. A person in subsection (C); and
 - g. If the individual is of legal age or married, an affidavit signed by the individual attesting to the **validity** of the facts submitted as required in subsections (E)(2)(a), (E)(2)(b), and (E)(2)(c);
- 3. **If the individual has a registered birth certificate from another state or country, a copy of the individual's registered birth certificate;**
- 4. **If the information is submitted by:**
 - a. **The individual's guardian, a certified copy of a court order establishing guardianship; or**
 - b. **A person who has custody of the individual pursuant to A.R.S. § 25-415 or the Arizona Department of Economic Security, a certified copy of a court order establishing custody;**
- 5. The following documents:
 - a. If the individual is 14 years of age or younger:
 - i. Except as provided in subsection (E)(6)(a), an affidavit attesting to the facts of birth from the individual's father, the individual's mother or other adult family member of the individual who has personal knowledge of the individual's birth;

- ii. At least one evidentiary document attesting to the facts of the individual's birth established before the individual was five years of age; and
 - iii. At least one evidentiary document establishing the individual's mother's presence in Arizona at the time of birth; or
 - b. If the individual is over 14 years of age:
 - i. Except as provided in subsection (E)(6)(b), an affidavit attesting to the facts of birth from the individual's father, the individual's mother or other adult family member of the individual at least ten years older than the individual who has personal knowledge of the individual's birth;
 - ii. At least one evidentiary document attesting to the facts of the individual's birth established in the first ten years of the individual's life;
 - iii. At least one evidentiary document attesting to the facts of the individual's birth established at least five years before the date of submission; and
 - iv. At least one evidentiary document establishing the individual's mother's presence in Arizona at the time of the individual's birth; and
 - 6. If an affidavit attesting to the facts of birth from the individual's father, the individual's mother, or other adult family member of the individual at least ten years older than the individual who has personal knowledge of the individual's birth, is not available and:
 - a. The individual is 14 years of age or younger, an additional evidentiary document attesting to the facts of the individual's birth established before the individual was five years of age; or
 - b. The individual is over 14 years of age, an additional evidentiary document attesting to the facts of the individual's birth established at least five years before the date of submission.
- F. At least one or more of the evidentiary documents submitted as required in subsections (E)(5)(a)(ii), (E)(5)(b)(ii), and (E)(5)(b)(iii) shall contain, in addition to the individual's first and last name:
- 1. The individual's date of birth;
 - 2. The town, city, or county where the individual's birth occurred;
 - 3. The first and last name of the individual's mother submitted as required in subsection (E)(2)(b)(i); or
 - 4. If applicable, the first and last name of the individual's father submitted as required in subsection (E)(2)(c)(i).
- G. Each evidentiary document submitted to support the registration of a delayed birth certificate as required in subsections (E)(5)(a)(ii), (E)(5)(b)(ii), and (E)(5)(b)(iii):

1. Is from a different independent source than any other evidentiary document submitted to support the registration of the delayed birth certificate;
 2. Is documentation of a transaction, occurrence, billing, or legal relationship;
 3. Contains the date the evidentiary document was created; and
 4. Is one of the following:
 - a. An original document;
 - b. A certified copy of a document;
 - c. A record or document accompanied by a signed statement from the custodian of the record or document attesting to the **validity** of the record or document;
 - d. A document submitted by the independent source directly to the State Registrar;
 - e. A document in a sealed envelope provided by the independent source;
 - f. A copy of a published document such as a newspaper, a magazine, or a book; or
 - g. A copy of a governmental agency document.
- H. Each evidentiary document submitted as required in subsections (E)(5)(a)(iii) and (E)(5)(b)(iv):
1. Is documentation of a transaction, occurrence, billing, or legal relationship;
 2. Contains:
 - a. The individual's mother's first and last name and street address;
 - b. The date the evidentiary document was created; and
 3. Was created no more than six months before the date of the individual's birth or six months after the date of the individual's birth.
- I. If an individual submits an evidentiary document required in this Section in a language other than English, the individual shall submit, with the evidentiary document, an English translation of the evidentiary document completed by an individual certified by the American Translators Association to provide translation from the specific other language into English that includes an affidavit signed by the certified individual attesting to the accuracy of the English translation.
- J. After review for completeness and compliance with this Section, the State Registrar shall return an evidentiary document submitted to support an application to register a delayed birth to the individual listed in subsection (C) who submitted the application to register the delayed birth.
- K. If the State Registrar determines that an application and the evidentiary documents submitted for the registration of a delayed birth certificate contain the required information, comply with the requirements for this Section, and are true and valid, the State Registrar shall:
1. Create and register the delayed birth certificate that includes a summary statement certificate that lists the evidentiary documents the State Registrar accepted as support for the registration of the delayed birth certificate; and

2. Issue a certified copy of the delayed birth certificate to the individual who submitted the application to register a delayed birth certificate.
- L. If the State Registrar determines that an application or the evidentiary documents submitted for the registration of a delayed birth certificate do not contain the required information, do not comply with the requirements in this Section, or may not be true or valid, the State Registrar shall:
1. Not create or register a delayed birth certificate; and
 2. Provide written notification to the individual who submitted the application specifying:
 - a. The missing, incomplete, false, or invalid information or evidentiary documents; and
 - b. The 90 day time-frame for submitting the required information or evidentiary documents.
- M. An individual who receives the notice in subsection (L) may request an extension of the 90 day time-frame by submitting a written request to the State Registrar before the end of the 90 day time-frame. If the individual submits the written request before the end of the 90 day time-frame, the State Registrar shall grant an additional 90 days to the individual for the submission of any required information or evidentiary documents.
- N. If an individual who received the notification in subsection (L):
1. Submits all the required information or evidentiary documents to the State Registrar within the 90 day time-frame or, if applicable, the 90 day extension, the State Registrar shall create, register, and issue the delayed birth certificate as provided in (K)(1) and (K)(2); or
 2. Does not submit all the required information or evidentiary documents to the State Registrar within the 90 day time-frame or, if applicable, the 90 day extension, the State Registrar shall not create or register the delayed birth certificate and shall provide written notice to the individual who submitted the application for the registration of the delayed birth of the reasons for not creating and registering the delayed birth certificate and advise the individual of the individual's right **to:**
 - a. Appeal the State Registrar's determination as prescribed in A.R.S. Title 41, Chapter 6, Article 6; or
 - b. Petition for a court order to create and register a delayed birth certificate as prescribed in A.R.S. § 36-333.03.
- O. If an individual authorized by subsection (C) receives the notice in subsection (N)(2), the individual may:

1. Appeal the State Registrar's determination as prescribed in A.R.S. Title 41, Chapter 6, Article 6;
2. Petition the court for an order to establish a record of an individual's birth as prescribed in A.R.S. § 36-333.03; or
3. If the individual has obtained the required information and evidentiary documents:
 - a. Apply to register an individual's birth as prescribed in subsection (E), and
 - b. Submit the fee required in R9-19-413 for an application to register a delayed birth certificate.

R9-19-204. Birth Registration for a Foundling

- A. To establish a birth certificate for a foundling, a person who has custody of the foundling shall submit the following information to the State Registrar or the local registrar of the registration district where the foundling was found:
1. The date the foundling was found;
 2. The location the foundling was found including, if applicable:
 - a. Street address,
 - b. City or town, and
 - c. County;
 3. The following information about the foundling:
 - a. First, middle, and last name given to the foundling;
 - b. Approximate age of the foundling including an approximate date of birth;
 - c. Sex;
 - d. Approximate race of the foundling; and
 - e. If applicable, the child identification number assigned to the foundling;
 4. The name and address of the person who has custody of the foundling; and
 5. A written statement attesting to the **validity** of the information submitted signed by the person who has custody of the foundling or an authorized representative of the person who has custody of the foundling.
- B. Upon receipt of the information in subsection (A), the State Registrar shall create and register a birth certificate for a foundling using the submitted information and include the street address, city or town, and county where the foundling was found as the place of the foundling's birth.

R9-19-205. Correcting a Registered Birth Certificate

- A. A person requesting a correction to an individual's registered birth certificate shall submit, to the State Registrar or local registrar, a written request to correct that includes:
1. The individual's name and sex;
 2. The official state number, if known;

3. The date of birth; and
 4. The specific information on the certificate to be corrected.
- B. In addition to the information in subsection (A), an administrator of a hospital where an individual was born or the person in charge of the hospital's medical records who is requesting a correction to the individual's birth certificate because of a hospital error shall submit to the State registrar or a local registrar:
1. A statement attesting to the **validity** of the submitted correction signed by the hospital administrator or the person in charge of the hospital's medical records; and
 2. A copy of:
 - a. The individual's or the individual's mother's medical record containing the specific information to be corrected, or
 - b. A worksheet containing information obtained from the individual's parent for the completion of the individual's registered birth certificate.
- C. In addition to the information in subsection (A), a physician, registered nurse practitioner, or midwife who attended an individual's birth and requests a correction to the individual's birth certificate because of the physician's, registered nurse practitioner's, or midwife's error shall submit to the State Registrar or a local registrar:
1. A statement attesting to the **validity** of the submitted correction signed by the physician, registered nurse practitioner, or midwife who attended the individual's birth; and
 2. A copy of:
 - a. The individual's or the individual's mother's medical record containing the specific information to be corrected, or
 - b. A worksheet containing information obtained from the individual's parent for the completion of the individual's registered birth certificate.
- D. A written request for a correction to an individual's registered birth certificate not due to a hospital, physician, registered nurse practitioner, or midwife error may be submitted by:
1. The individual, if the individual is of legal age or married;
 2. The individual's mother listed on the individual's registered birth certificate;
 3. The individual's father listed on the individual's registered birth certificate;
 4. The individual's guardian; or
 5. A person who has custody pursuant to A.R.S. § 25-415.
- E. In addition to the information in subsection (A), a person authorized in subsection (D) requesting a correction to an individual's registered birth certificate not due to a hospital, physician, registered nurse practitioner, or midwife error, shall submit to the State Registrar or a local registrar;

1. An affidavit attesting to the **validity** of the submitted correction signed by the person requesting the correction;
2. **An evidentiary document that includes the specific information to be corrected and:**
 - a. **Is from an independent source;**
 - b. **Is documentation of a transaction, occurrence, billing, or legal relationship;**
 - c. **Contains the date the evidentiary document was created; and**
 - d. **Is one of the following:**
 - i. **An original document;**
 - ii. **A certified copy of a document;**
 - iii. **A copy of the individual's medical record;**
 - iv. **A record or document accompanied by a signed statement from the custodian of the record or document attesting to the validity of the record or document;**
 - v. **A document submitted by the independent source directly to the State Registrar or a local registrar;**
 - vi. **A document in a sealed envelope provided by the independent source;**
 - vii. **A copy of a published document such as a newspaper, magazine, or book; or**
 - viii. **A copy of a governmental agency document; and**
3. **If the information is submitted by:**
 - a. **The individual's guardian, a certified copy of a court order establishing guardianship; or**
 - b. **A person who has custody of the individual pursuant to A.R.S. § 25-415 or the Arizona Department of Economic Security, a certified copy of a court order establishing custody.**

R9-19-206. Amending a Registered Birth Certificate

- A. To add an individual's first name, middle name, or suffix on the individual's registered birth certificate less than 90 days after the individual's birth, the individual's parent or guardian shall submit a written request to the State Registrar or a local registrar that includes:
 1. The individual's name currently on the individual's registered birth certificate and the individual's sex;
 2. The official state number, if known;
 3. The date of the individual's birth;
 4. The first name, middle name, or suffix to be added;

5. An affidavit attesting to the **validity** of the facts submitted signed by the individual's:
 - a. Mother and, if a father is included on the individual's registered birth certificate, the individual's father; or
 - b. Guardian; and
 6. If the person submitting the request for the amendment to the individual's registered birth certificate is the individual's guardian, a **certified** copy of a court order establishing guardianship.
- B. To add an individual's first name, middle name, or suffix on the individual's registered birth certificate more than 90 days but less than 7 years after the individual's birth, the individual's parent or guardian shall submit a written request to the State Registrar or a local registrar that includes:
1. The individual's name currently on the individual's registered birth certificate and the individual's sex;
 2. The official state number, if known;
 3. The date of the individual's birth;
 4. The first name, middle name, or suffix to be added;
 5. An affidavit attesting to the **validity** of the facts submitted signed by the individual's mother and, if a father is included on the individual's registered birth certificate, the individual's father;
 6. An evidentiary document that includes the first name, middle name, or suffix to be added and:
 - a. Is from an independent source;
 - b. Is documentation of a transaction, occurrence, billing, or legal relationship;
 - c. Contains the date the evidentiary document was created; and
 - d. Was created within 1 year of the date of the individual's birth; and
 7. If the person submitting the request for the amendment to the individual's registered birth certificate is the individual's guardian, a certified copy of a court order establishing guardianship.
- C. To amend an individual's name or suffix on the individual's registered birth certificate less than 90 days after the individual's birth, the individual's parent shall submit a written request to the State Registrar or a local registrar that includes:
1. The individual's first, middle, and last name and suffix currently on the individual's registered birth certificate and the individual's sex;
 2. The official state number, if known;
 3. The date of the individual's birth;

4. The specific name or suffix on the certificate to be amended, including the specific name or suffix to be deleted and the specific name or suffix to be added; and
 5. An affidavit attesting to the **validity** of the facts submitted signed by the individual's mother and, if a father is included on the individual's registered birth certificate, the individual's father.
- D. To amend an individual's name or suffix on the individual's registered birth certificate more than 90 days but less than one year after the individual's birth, the individual's parent shall submit a written request to the State Registrar or a local registrar that includes:
1. The individual's first, middle, and last name and suffix currently on the individual's registered birth certificate and the individual's sex;
 2. The official state number, if known;
 3. The date of the individual's birth;
 4. The specific name or suffix on the certificate to be amended, including the specific name or suffix to be deleted and the specific name or suffix to be added;
 5. An affidavit attesting to the **validity** of the facts submitted signed by the individual's mother and, if a father is included on the individual's registered birth certificate, the individual's father;
 6. An evidentiary document that includes the requested specific name or suffix of the individual and:
 - a. Is from an independent source;
 - b. Is documentation of a transaction, occurrence, billing, or legal relationship;
 - c. Contains the date the evidentiary document was created; and
 - d. Is one of the following:
 - i. An original document;
 - ii. A certified copy of a document;
 - iii. A copy of the individual's medical record;**
 - iv. A record or document accompanied by a signed statement from the custodian of the record or document attesting to the **validity** of the record or document;
 - v. A document submitted by the independent source directly to the State Registrar **or a local registrar;**
 - vi. A document in a sealed envelope provided by the independent source;
 - vii. A copy of a published document such as a newspaper, magazine, or book; or
 - viii. A copy of a governmental agency document.

- E. To amend the month or day of an individual's birth on the individual's registered birth certificate, an individual of legal age or married or the individual's parent or guardian shall submit to the State Registrar or local registrar, a written request that includes:
1. The individual's first, middle, and last name and suffix currently on the individual's registered birth certificate and sex;
 2. The official state number, if known;
 3. The date of the individual's birth;
 4. The specific information on the certificate to be amended, including the day or month to be deleted and the day or month to be added;
 5. An affidavit attesting to the **validity** of the facts submitted signed by the:
 - a. Individual, if the individual is of legal age or married; or
 - b. Individual's parent or guardian;
 6. An evidentiary document that includes the requested day or month and:
 - a. Is from an independent source;
 - b. Is documentation of a transaction, occurrence, billing, or legal relationship;
 - c. Contains the date the evidentiary document was created;
 - d. Is one of the following:
 - i. An original document;
 - ii. A certified copy of a document;
 - iii. A copy of the individual's medical record;**
 - iv. A record or document accompanied by a signed statement from the custodian of the record or document attesting to the **validity** of the record or document;
 - v. A document submitted by the independent source directly to the State Registrar **or a local registrar;**
 - vi. A document in a sealed envelope provided by the independent source;
 - vii. A copy of a published document such as a newspaper, magazine, or book; or
 - viii. A copy of a governmental agency document; and
 7. If the person submitting the request for the amendment to the individual's registered birth certificate is the individual's guardian, a certified copy of a court order establishing guardianship.
- F. To amend the date of birth or place of birth of an individual's parent on the individual's registered birth certificate or to change the individual's mother's last name on the individual's registered birth certificate to the individual's mother's last name before the individual's mother's first

marriage, the **individual's parent or the individual, if the individual is legal age or married**, requesting the amendment shall submit to the State Registrar or local registrar:

1. The individual's first, middle, and last name and suffix on the individual's registered birth certificate and sex;
 2. The official state number, if known;
 3. The date of the individual's birth;
 4. The specific information on the individual's registered birth certificate to be amended including the information to be deleted and the information to be added;
 5. An affidavit attesting to the **validity** of the facts submitted signed by the individual submitting the request; and
 6. One of the following:
 - a. A certified copy of a court order establishing paternity **containing the specific information for the individual's parent to be amended on the individual's registered birth certificate**; or
 - b. One of the following evidentiary documents containing the specific information for the individual's parent to be amended on the individual's registered birth certificate:
 - i. A certified copy of the individual's parent's registered birth certificate, or
 - ii. A copy of the individual's parent's passport.
- G. For an amendment to a registered birth certificate of an individual born in Arizona based on the individual's adoption, a state court or a court in another state shall submit a certified copy of a court order or a certificate of adoption with a court seal, after the individual's adoption is final, to the State Registrar that contains the following information:
1. The adoptive father's:
 - a. First, middle, and last name and suffix;
 - b. Date of birth;
 - c. State, **territory, or foreign** country of birth;
 - d. Social Security Number; and
 - e. Occupation;
 2. The adoptive mother's:
 - a. First, middle, and last name;
 - b. Date of birth;
 - c. State or country of birth;
 - d. Social Security Number;
 - e. Occupation;

- f. Street address, city or town, county, and state of the adoptive mother's residence at time of the individual's birth; and
 - g. Street address, city or town, county, and state of the adoptive mother's current residence;
3. Whether the adoptive parents want the information about the individual's parents currently on the individual's registered birth certificate retained;
4. Whether the adoptive parents want the name of the hospital, facility, or street address where the individual's birth occurred to be omitted on the amended birth certificate;
5. The adoptive mother's or adoptive father's signature and the date signed;
6. The following information about the individual:
 - a. First, middle, and last name and suffix listed on the individual's registered birth certificate;
 - b. Sex;
 - c. Date of birth;
 - d. Name of the hospital or facility and the street address, town or city, county, state, and zip code where the individual was born;
 - e. First, middle, and last name and suffix of the father currently on the individual's registered birth certificate; and
 - f. First, middle, and last name before first marriage of the mother currently on the individual's registered birth certificate;
7. The total number of individuals included in the adoption;
8. If the person adopting the individual is:
 - a. The individual's:
 - i. Step-parent,
 - ii. Grandparent, or
 - iii. Other family member; or
 - b. Not a family member of the individual;
9. Name and address of the investigative agency;
10. The signature of the person representing the investigative agency and the date signed;
11. The name and address of the attorney of record for the adoption or the county attorney;
12. The signature of the attorney of record or county attorney and date signed;
13. The date the final order of adoption was granted;
14. The case number of the adoption assigned by the court;
15. The name of the presiding judge;
16. The court seal and signature of the clerk of court and the date signed;

17. The county where the court is located; and
 18. The first, middle, and last name and suffix of the individual established by a court order;
- H. If an individual's adoptive parent wants the information about the individual's parents on the individual's registered birth certificate before the adoption to be retained on the individual's registered birth certificate after the adoption, the adoptive parent shall submit to the State Registrar, in addition to the court order in subsection (G):
1. A written request signed by the adoptive parent or a certified copy of a court order containing a request to retain the information on the registered birth certificate;
 2. A written statement agreeing to retain the mother's name on the individual's registered birth certificate, signed by the mother, or if the mother is deceased, a certified copy of a registered death certificate for the mother; and
 3. If there is a father's name on the registered birth certificate, a written statement agreeing to retain the father's name on the individual's registered birth certificate, signed by the father, or if the father is deceased, a certified copy of a registered death certificate for the father.
- I. If the State Registrar receives a court order or a certificate of adoption with a court seal for an individual, **submitted as required in subsection (G)**, that names two persons of the same sex as the individual's parents or the individual's mother and father, the State Registrar shall enter the name of each person as the individual's parent on the individual's birth certificate.
- J. To request an amendment to a registered birth certificate of an individual born in Arizona based on an individual's biological father's voluntary acknowledgement of paternity, the individual's mother and biological father shall submit:
1. An acknowledgement of paternity form that contains:
 - a. The following information as it appears on the individual's registered birth certificate:
 - i. First, middle, and last name and suffix;
 - ii. Date of birth;
 - iii. Place of birth; and
 - iv. If applicable, name of hospital where birth occurred;
 - b. The first, middle, and last name and suffix requested for the individual;
 - c. The following information about the individual's mother:
 - i. First, middle, and last name;
 - ii. Last name before first marriage;
 - iii. Date of birth;
 - iv. Social Security Number;

- v. City where the mother was born;
 - vi. State, territory, or foreign country where the mother was born;
 - vii. Street address, apartment number if applicable, city or town, state, and county of mother's usual residence;
 - viii. Telephone number including area code;
 - ix. Name of the mother's employer; and
 - x. Mother's occupation;
 - d. The following information about the individual's biological father:
 - i. First, middle, last name, and suffix;
 - ii. Date of birth;
 - iii. City where the father was born;
 - iv. State, territory, or foreign country where the father was born;
 - v. Social Security Number;
 - vi. Street address, apartment number if applicable, city or town, state, and county of father's usual residence;
 - vii. Telephone number including area code;
 - viii. Name of the father's employer;
 - ix. Father's occupation;
 - x. Highest degree or level of education completed by the father at the time of the individual's birth;
 - xi. Race; and
 - xii. Whether the father is of Hispanic origin and if so, the type of Hispanic origin;
 - e. One of the following:
 - i. An affidavit attesting to the **validity** of the information in subsection (J)(1) signed and dated by the individual's mother and signed and dated by the individual's biological father; or
 - ii. A written statement attesting to the **validity** of the information in subsection (J)(1) signed and dated by the individual's mother in the presence of a witness and signed and dated by the individual's biological father in the presence of a witness;
2. If the written statement in subsection (J)(1)(e)(ii) is submitted the following information about the witness:
- a. Whether the witness is a representative of a hospital, a representative of a government agency, or another person; and

- b. The signature, date signed, printed name, and address of each witness; and
 - 3. **If an individual has a presumed father as described in A.R.S. § 25-814(A)(1), a written document that contains:**
 - a. **The individual's first, middle, and last name and suffix;**
 - b. **The individual's presumed father's first, middle, last name, and suffix;**
 - c. **The individual's mother's first, middle, and last name; and**
 - d. **A jurat signed and dated by the individual's presumed father:**
 - i. **Attesting to the fact that although the individual's presumed father was married to the individual's mother, the individual's presumed father is not the biological father of the individual; and**
 - ii. **Relinquishing and waiving all legal rights to the individual.**
- K. A person who acts as a witness to an individual's mother's signature or individual's father's signature in subsection (J)(1)(e)(ii) shall be at least 18 years of age and not a family member or married to a family member of the individual, the individual's mother, or the individual's father.
- L. To request an amendment to a registered birth certificate of an individual born in Arizona when the individual has undergone a sex change operation or has had a chromosomal count that establishes the sex of the individual as different than on the individual's registered birth certificate, an individual of legal age or married or an individual's parent or guardian shall submit to the State Registrar or local registrar a written request to amend the sex listed on the individual's registered birth certificate that includes:
 - 1. The individual's first, middle, and last name and suffix;
 - 2. The official state number, if known;
 - 3. The date of the individual's birth;
 - 4. The requested change for the individual's sex listed on the registered birth certificate;
 - 5. A written statement, signed by a physician, that the individual has undergone a sex change operation or has had a chromosomal count that establishes the sex of the individual as different than on the individual's registered birth certificate; and
 - 6. An affidavit, signed by the individual or the individual's parent or guardian submitting the request for amendment, attesting to the **validity** of the submitted amendment.
- M. A person requesting an amendment to an individual's registered birth certificate, other than the amendments in this Section, shall submit a certified copy of a court order to amend the registered birth certificate to the State Registrar that includes:
 - 1. The individual's first, middle, and last name and sex;
 - 2. The official state number, if known;
 - 3. The date of the individual's birth; and

4. The specific information on the certificate to be amended including the information to be deleted and the information to be added.
- N. The State Registrar or a local registrar shall amend a certificate based on:
1. A request for amendment, if the State Registrar or local registrar determines that the request for amendment is valid and accurate and complies with the requirements in this Section; or
 2. Except as provided in subsection (O), a court order.
- O. The State Registrar shall not amend the year of birth on an individual's registered birth certificate to a date later than the date currently stated on the registered birth certificate if the information for the individual required for registering a birth certificate in R9-19-201 was received by the State Registrar or local registrar before the later date.
- P. When the State Registrar or a local registrar amends a registered birth certificate, the State Registrar or local registrar shall seal the:
1. Registered birth certificate that existed before the amendment, and
 2. Evidentiary documents that support the amendment.

R9-19-207. Registering a Foreign Birth Certificate for an Adopted Individual

- A. To establish a foreign birth certificate for an adopted individual:
1. A state court, the adopted individual's adoptive parent, a married adopted individual, or the adopted individual of legal age shall submit to the State Registrar:
 - a. An adoption decree or other official document finalizing the adoption from the country of the adopted individual's birth translated into English, and
 - b. A copy of an IR-3 stamp in the individual's passport;
 2. If the individual's adoptive parent has completed a readoption process in an Arizona court, the individual's adoptive parent **or state court** shall submit to the State Registrar a copy of an IR-3 stamp in the individual's passport and:
 - a. An original state of Arizona certificate of adoption issued by a court in this state that contains the information in R9-19-206(G); or
 - b. A court order of adoption issued and certified by a court in this state and:
 - i. A birth certificate from the country of the adopted individual's birth translated into English, or
 - ii. Written documentation that establishes the date and place of the adopted individual's birth translated into English; or
 3. If the adopted individual does not have an IR-3 stamp in the individual's passport, the individual's adoptive parent, the married adopted individual, the adopted individual of legal age, **or state court** shall submit to the State Registrar:

- a. An original state of Arizona certificate of adoption issued by a court in this state that contains the information in R9-19-206(G);
 - b. A court order of adoption issued and certified by a court in this state and:
 - i. A birth certificate from the country of the adopted individual's birth translated into English, or
 - ii. Written documentation that establishes the date and place of the adopted individual's birth translated into English; or
 - c. If the individual was not adopted in this state, a court order recognizing the adoption issued in this state that contains the information in R9-19-206(G).
- B. If the evidentiary documents submitted to establish a foreign birth certificate for an adopted individual do not contain the following information, the person who submitted the evidentiary documents shall submit:
 - 1. The following information about the individual's adoptive mother:
 - a. First, middle, and last name;
 - b. Last name before first marriage;
 - c. Date of birth;
 - d. State, **territory**, or **foreign** country of birth;
 - e. Social Security Number;
 - f. Street address, city or town, county, and state of the adoptive mother's usual residence at the time of the individual's birth; and
 - g. Whether the adoptive mother's usual residence at the time of the individual's birth is within city limits; and
 - 2. The following information about the individual's adoptive father:
 - a. First, middle, and last name and suffix;
 - b. State or country of birth;
 - c. Date of birth; and
 - d. Social Security Number.
- C. If an individual submits an evidentiary document required in this Section in a language other than English, the individual shall submit, with the evidentiary document, an English translation of the evidentiary document.

R9-19-208. Validation of Information

- A. If a local registrar, deputy local registrar, or the State Registrar determines that information submitted for a birth certificate or for an amendment or a correction to a registered birth certificate may not be valid or accurate, the local registrar, deputy local registrar, or State

Registrar may request an affidavit or evidentiary document, as determined by the local registrar, deputy local registrar, or State Registrar, to validate the information.

- B. If the requested affidavit or evidentiary document is not submitted, the local registrar, deputy local registrar, or State Registrar:
1. Shall not register the birth or amend or correct the registered birth certificate; and
 2. Shall provide written notice to the person who submitted the information that includes the reasons for not registering a birth or amending or correcting a registered birth certificate and the right to appeal the State Registrar's determination as prescribed in A.R.S. Title 41, Chapter 6, Article 6.

R9-19-209. Cancellation of a Registered Birth Certificate

- A. The State Registrar shall cancel:
1. An individual's delayed birth certificate if the Department determines a registered birth certificate for the individual exists; or
 2. Any registered birth certificate if the Department determines that the information submitted for the creation and registration of the birth certificate was fraudulent, a misrepresentation of facts, or based on false documents.
- B. If the Department determines that an individual's registered birth certificate was created and registered based on fraud, misrepresentation of facts, or false documents, the Department shall provide written notice of the cancellation of the registered birth certificate and the right to appeal the State Registrar's determination as prescribed in A.R.S. Title 41, Chapter 6, Article 6, to the person who submitted the information **at the last address that was provided to the Department by the person.**